

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**TIGER LILY LLC;
HUNTER OAKS APARTMENTS UTAH, LLC;
NORTH 22ND FLAT, LLC;
CHERRY HILL GARDENS LLC;
CHURCHILL TOWNHOMES LLC;
BRITTANY RAILEY; and
APPLEWOOD PROPERTY MANAGEMENT, LLC,**

Plaintiffs

vs.

No: 2:20-cv-02692-MSN-atc

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
and **BENJAMIN S. CARSON, M.D.** in his official capacity as United States Secretary of
Housing and Urban Development;
UNITED STATES DEPARTMENT OF JUSTICE
and **WILLIAM P. BARR**, in his official capacity as United States Attorney General;
UNITED STATES CENTER FOR DISEASE CONTROL AND PREVENTION
and **NINA B. WITKOVSKY**, in her official capacity as Acting Chief of Staff of the Center for
Disease Control and Prevention;
UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES
and **ALEX AZAR**, in his official capacity as United States Secretary of Health and Human
Services;
VICE ADMIRAL JEROME M. ADAMS, M.D., in his official capacity as United States
Surgeon General; and
D. MICHAEL DUNAVANT, in his official capacity as United States Attorney General for the
Western District of Tennessee,

Defendants.

**PLAINTIFFS' MOTION FOR PERMISSION TO EXCEED THE PAGE LIMIT UNDER
LOCAL RULE 7.2 RELATING TO THEIR APPLICATION FOR EMERGENCY
HEARING AND PRELIMINARY INJUNCTION**

Plaintiffs, pursuant to Local Rule 7.2, hereby move this Honorable Court for permission to exceed the twenty (20) page limit set forth in the Local Rules of the Western District of Tennessee relating to their Memorandum of Law and Argument in Support of their Motion for Emergency Hearing and Preliminary Injunction (“Memorandum”) in the instant case.

Plaintiffs’ Motion involves a constitutional challenge to the September 4, 2020 “Temporary Halt in Residential Evictions to Prevent the Further Spread of Covid 19” (the “Halt Order”) promulgated by the United States Center for Disease Control and Prevention (“CDC”), in coordination and with the concurrence of the United States Department of Housing and Urban Development (“HUD”) and the United States Department of Health & Human Services (“HHS”).

In order to fully address Plaintiffs’ serious arguments that the Halt Order violates the Takings Clause and is a denial and deprivation of Plaintiffs’ rights to substantive and procedural Due Process under the Fifth Amendment to the Constitution; violates the Tenth Amendment to the Constitution; the Anti-Commandeering Doctrine; the Supremacy Clause of the Constitution; impedes Plaintiffs’ fundamental right to access the judiciary; and acts as an unlawful suspension of law, and to provide this Honorable Court with a thorough and thoughtful application of applicable constitutional law to these facts, an analysis that exceeded the standard twenty (20) page limit was necessary.

As currently constituted, the Argument section of the Memorandum currently totals 31 pages and the total page count including the Table of Contents and Authority, Preliminary Statement, Facts, and Procedural History, totals 57 pages.

Under any normal circumstance, Counsel would never consider making this request of the Honorable Court; however, in light of the universal importance of this litigation and the complicated nature of the applicable facts and law, Counsel believes it will be in the best interest

of this Honorable Court and the litigants to have clear, thorough and thoughtful pleadings, and therefore respectfully ask this Honorable Court to grant of permission to exceed the twenty (20) page limit so that the Motion and Memorandum may be promptly filed, in their respective current forms, in this matter.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that this Honorable Court grants their request to exceed the twenty (20) page limit set forth in the Local Rules of the Western District of Tennessee relating to their Memorandum of Law and Argument in Support of their Motion for Emergency Hearing and Preliminary Injunction.

Respectfully Submitted,

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Dated: September 23, 2020

CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2020, a copy of the foregoing Memorandum of Law and Argument in Support of Plaintiffs' Request for Emergency Hearing and Injunctive Relief was served on the parties listed below via the Court's ECF System and Federal Express pre-paid:

United States Secretary of Housing and Urban Development
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Honorable Benjamin S. Carson, M.D.
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Honorable Nina B. Witkofsky, Acting Chief of Staff
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Honorable Secretary Alex Azar
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Honorable Vice Admiral Jerome M. Adams, M.D., Surgeon General
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